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8 **BEFORE THE**  
9 **BOARD OF PSYCHOLOGY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against: )

Case No. W 217

12 MARION-ISABEL ZIPPERLE, Ph.D. )  
2530 Sanders Road )  
13 Sebastopol, CA 95472 )

OAH No. N2001090183

14 Psychologist's License No. PSY 12203 )

**STIPULATED SETTLEMENT  
AND DISCIPLINARY ORDER**

15 Respondent. )  
16  
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18 **IT IS HEREBY STIPULATED AND AGREED** by and between Marion-Isabel  
19 Zipperle, Ph.D. (hereinafter "respondent") with the advice of her attorney, Lois Lindstrom, Esq.,  
20 and complainant Thomas O'Connor, in his official capacity as Executive Officer of the Board of  
21 Psychology (hereinafter "the Board"), Department of Consumer Affairs, by and through his  
22 attorney, Bill Lockyer, Attorney General, by Brenda P. Reyes, Deputy Attorney General, as  
23 follows:

24 1. The Accusation, No. W 217, (hereinafter referred to as the  
25 "Accusation") is presently pending before the Board. A copy of said Accusation is attached  
26 hereto as Exhibit A and incorporated herein by reference.

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1           2.     The complainant in said Accusation, Thomas O'Connor, is the Executive  
2 Officer of the Board and brought said Accusation solely in his official capacity.

3           3.     Respondent's license history and status as set forth at Paragraph 2 of the  
4 Accusation is true and correct and respondent's address of record as set forth above in the  
5 caption of this Stipulated Settlement is true and correct.

6           4.     Respondent has fully discussed with her attorney, Lois Lindstrom, the  
7 charges and allegations contained in the Accusation and therefore has been fully advised  
8 concerning her legal rights and of the effects of this stipulation.

9           5.     Respondent understands the nature of the charges alleged in the  
10 Accusation and that, if proven at hearing, the charges and allegations may constitute cause for  
11 imposing discipline upon her. Respondent is fully aware of each of her rights, including the right  
12 to a hearing on the charges and allegations contained in the Accusation, the right to confront and  
13 cross-examine witnesses who would testify against her, the right to testify and to present evidence  
14 on her own behalf, as well as the right to the issuance of subpoenas to compel the attendance of  
15 witnesses and the production of documents in both defense and mitigation of the charges, and any  
16 and all other rights which are accorded respondent pursuant to the California Administrative  
17 Procedure Act (Gov. Code, § 11500, et seq.) and other applicable laws, including the right to seek  
18 reconsideration, review by the superior court, and appellate review. Respondent hereby freely  
19 and voluntarily and after consulting with her attorney waives each and every one of the rights set  
20 forth above.

21           6.     This Stipulation is the result of a compromise between the Board and  
22 respondent. For purposes of the settlement of the action pending against respondent and to avoid  
23 the expense and uncertainty of further proceedings, respondent admits that she has engaged in  
24 unprofessional conduct as alleged in the Second Cause for Discipline of the Accusation in Case  
25 No. W 217, and that her license to practice psychology is therefore subject to discipline.  
26 Respondent stipulates to the jurisdiction of the Board to enter the following disciplinary order  
27 pursuant to Business and Professions Code section 2960.

1           7. All admissions of fact and conclusions of law contained in this stipulation  
2 are made exclusively for this proceeding and any future proceeding between the Board of  
3 Psychology or other professional licensing agency and respondent, and shall not be deemed to be  
4 admissions for any purpose in any other administrative, civil or criminal action, forum or  
5 proceeding.

6           8. Based upon the above recitals, the parties hereby agree that the Board  
7 shall, without further notice or formal proceeding, issue and enter the following order:

8                                   **DISCIPLINARY ORDER**

9           9. It is hereby ordered that License No. PSY 12203 issued to respondent  
10 Marion-Isabel Zipperle, Ph.D. is revoked. However, the revocation is stayed and respondent is  
11 placed on probation for three (3) years subject to the following terms and conditions:

12                   **A. COURSE WORK**

13           Respondent shall take and successfully complete not less than fifteen (15) hours  
14 of course work during each year of probation in the following areas: general forensics, child  
15 custody issues, and/or laws and ethics. Course work must be preapproved by the Board or its  
16 designee. All course work shall be taken at the graduate level at an accredited educational  
17 institution or by an approved continuing education provider. Classroom attendance is specifically  
18 required; correspondence or home study course work shall not count toward meeting this  
19 requirement. The course work must be in addition to any continuing education courses that may  
20 be required for license renewal.

21           Within ninety (90) days of the effective date of this Decision, respondent shall  
22 submit to the Board or its designee for its prior approval a plan for meeting the educational  
23 requirements. All costs of the course work shall be paid by the respondent.

24                   **B. ETHICS COURSE**

25           Within ninety (90) days of the effective date of this Decision, respondent shall  
26 submit to the Board or its designee for prior approval a course in laws and ethics as they relate to  
27 the practice of psychology. Said course must be successfully completed at an accredited

1 educational institution or through a provider approved by the Board's accreditation agency for  
2 continuing education credit. Said course must be taken and completed within one year from the  
3 effective date of this Decision. The costs associated with the law and ethics course shall be paid  
4 by the respondent.

5           **C.     EDUCATIONAL REVIEW**   Respondent shall submit to an educational  
6 review concerning the circumstances which resulted in this administrative action. The  
7 educational review shall be conducted by a board-appointed expert case reviewer and/or Board  
8 designee familiar with this case. Education reviews are informational only and intended to  
9 benefit Respondent's practice by preventing future such complaints. Respondent shall pay all  
10 costs associated with this educational review.

11           **D.     INVESTIGATION/ENFORCEMENT COST RECOVERY**  
12           Respondent shall pay to the Board its costs of investigation and enforcement in  
13 the amount of two thousand one hundred and fifty dollars (\$2, 150.00) within the first year of  
14 probation. Such costs shall be payable to the Board of Psychology. Failure to pay such costs  
15 shall be considered a violation of probation.

16           The filing of bankruptcy by respondent shall not relieve respondent of the  
17 responsibility to repay investigation and enforcement costs.

18           **E.     PROBATION COSTS**  
19           Respondent shall pay the costs associated with probation monitoring each and  
20 every year of probation. Such costs shall be payable to the Board of Psychology at the end of each  
21 fiscal year (July 1 - June 30). Failure to pay such costs shall be considered a violation of  
22 probation.

23           The filing of bankruptcy by respondent shall not relieve respondent of the  
24 responsibility to repay probation monitoring costs.

25           **F.     OBEY ALL LAWS**  
26           Respondent shall obey all federal, state, and local laws and all regulations  
27 governing the practice of psychology in California, including the ethical guidelines of the

1 American Psychological Association. A full and detailed account of any and all violations of law  
2 shall be reported by respondent to the Board or its designee in writing within seventy-two (72)  
3 hours of occurrence.

4 **G. QUARTERLY REPORTS**

5 Respondent shall submit quarterly declarations under penalty of perjury on forms  
6 provided by the Board or its designee, stating whether there has been compliance with all of the  
7 conditions of probation.

8 **H. PROBATION COMPLIANCE**

9 Respondent shall comply with the Board's probation program and shall, upon  
10 reasonable notice, report to the assigned District Office of the Medical Board of California or  
11 other designated probation monitor. Respondent shall contact the assigned probation officer  
12 regarding any questions specific to the probation order. Respondent shall not have any  
13 unsolicited or unapproved contact with 1) complainants associated with the case; 2) Board  
14 members or members of its staff; or 3) persons serving the Board as expert evaluators.

15 **I. INTERVIEW WITH BOARD OR ITS DESIGNEE**

16 Respondent shall appear in person for interviews with the Board or its designee  
17 upon request at various intervals and with reasonable notice.

18 **J. CHANGES OF EMPLOYMENT**

19 Respondent shall notify the Board in writing, through the assigned probation  
20 officer, of any and all changes of employment, location, and address within thirty (30) days of any  
21 such change.

22 **K. TOLLING FOR OUT-OF-STATE PRACTICE,**  
23 **RESIDENCE OR IN-STATE NON-PRACTICE**

24 In the event respondent should leave the State of California to reside or to practice  
25 outside the State or for any reason should respondent stop practicing psychology in the State of  
26 California, respondent shall notify the Board or its designee in writing within ten (10) days of the  
27 date of departure and return or the date of non-practice within California. Non-practice is defined

1 as any period of time exceeding thirty (30) days in which respondent is not engaging in any  
2 activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of  
3 temporary or permanent residency or practice outside California or of non-practice within  
4 California will not apply to the reduction of this probationary period, although the Board may  
5 allow respondent to complete certain terms of probation that are not associated with active  
6 practice.

7 **L. EMPLOYMENT AND SUPERVISION OF TRAINEES**

8 If respondent is licensed as a psychologist, she shall not employ or supervise or  
9 apply to employ or supervise psychological assistants, interns or trainees during the course of this  
10 probation. Any such supervisorial relationship in existence on the effective date of this probation  
11 shall be terminated by respondent and/or the Board.

12 **M. VIOLATION OF PROBATION**

13 If respondent violates probation in any respect, the Board may, after giving  
14 respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary  
15 order that was stayed. If an Accusation or Petition to Revoke Probation is filed against  
16 respondent during probation, the Board shall have continuing jurisdiction until the matter is final,  
17 and the period of probation shall be extended until the matter is final. No Petition for  
18 Modification or Termination of Probation shall be considered while there is an Accusation or  
19 Petition to Revoke Probation pending against respondent.

20 **N. COMPLETION OF PROBATION**

21 Upon successful completion of probation, respondent's license shall be fully  
22 restored.

23 **CONTINGENCY**

24 This stipulation shall be subject to the approval of the Board. Respondent  
25 understands and agrees that Board staff and counsel for complainant may communicate directly  
26 with the Board regarding this stipulation and settlement, without notice to or participation by  
27 respondent or her counsel. If the Board fails to adopt this stipulation as its Order, the stipulation

1 shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and  
2 the Board shall not be disqualified from further action in this matter by virtue of its consideration  
3 of this stipulation.

4 **ACCEPTANCE**

5 I have read the above Stipulated Settlement and Disciplinary Order. I have fully  
6 discussed the terms and conditions and other matters contained therein with my attorney, Lois  
7 Lindstrom, Esq. I understand the effect that this Stipulated Settlement and Disciplinary Order  
8 will have on my psychology license, and agree to be bound thereby. I enter this stipulation freely,  
9 knowingly, intelligently and voluntarily. **I agree that a facsimile copy of my signature on this**  
10 **document shall be binding upon me as if it were the original.**

11  
12 DATED: 12.19.01

13   
14 MARION-ISABEL ZIPPERLE, Ph.D.  
15 Respondent

16 I have read the above Stipulated Settlement and Disciplinary Order and approve of  
17 it as to form and content. I have fully discussed the terms and conditions and other matters  
18 therein with respondent Marion-Isabel Zipperle, Ph.D. **I agree that a facsimile copy of my**  
19 **signature on this document shall be binding upon me as if it were the original.**

20  
21 DATED: 12.20.01

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23 LOIS LINDSTROM, ESQ.  
24 Attorney for Respondent  
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**DATED:**

January 3, 2012

Brendon. Perez

**Attorneys for Complainant**



1                                   **DECISION AND ORDER**  
2                                   **OF THE**  
3                                   **BOARD OF PSYCHOLOGY**  
4                                   **DEPARTMENT OF CONSUMER AFFAIRS, STATE OF CALIFORNIA**

5                   The foregoing Stipulation for Settlement and Order, Case No. W 217, is hereby  
6 adopted as the Order of the Board of Psychology, Department of Consumer Affairs, State of  
7 California.

8                   An effective date of March 6, 2002, has been assigned to  
9 this Decision and Order.

10                   Made this 4th day of February, 2002.

11                                   *M. R. Greenberg*  
12                                   MARTIN R. GREENBERG, PhD, PRESIDENT  
13                                   BOARD OF PSYCHOLOGY  
14                                   DEPARTMENT OF CONSUMER AFFAIRS  
15                                   STATE OF CALIFORNIA

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17 Exhibit: Accusation  
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**EXHIBIT A**

BILL LOCKYER, Attorney General  
of the State of California  
VIVIEN HARA HERSH, State Bar No. 084589  
Supervising Deputy Attorney General  
BRENDA P. REYES, State Bar No. 129718  
Deputy Attorney General  
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FILED  
STATE OF CALIFORNIA  
BOARD OF PSYCHOLOGY  
SACRAMENTO 8/9 20 01  
BY M. Jackman ANALYST

Attorneys for Complainant

BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. W217

MARION-ISABEL ZIPPERLE, Ph.D.  
2530 Sanders Road  
Sebastopol, CA 95472

ACCUSATION

Psychologist's License No. PSY 12203

Respondent.

The Complainant alleges:

PARTIES

1. Complainant, Thomas S. O'Connor, is the Executive Officer of the California Board of Psychology, Department of Consumer Affairs, State of California ( hereinafter "the Board") and brings these charges and allegations solely in his official capacity.

2. At all times material herein, respondent Marion-Isabel Zipperle, Ph.D. (hereinafter "respondent") has held Psychologist's License No. PSY 12203, which was issued to her by the Board on or about March 4, 1991. Unless renewed, the license will expire on April 30, 2002. There is no Board record of prior disciplinary action against this license.

## JURISDICTION

3. Business and Professions Code section 2960<sup>1</sup> provides, in pertinent part, that the Board may suspend, revoke or impose probationary conditions on a licensee for unprofessional conduct, which is defined to include, but not be limited to:

(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter; and,

(j) Being grossly negligent in the practice of his or her profession.

4. Section 2936 provides, in pertinent part, that the Board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and published by the American Psychological Association (APA). Those standards shall be applied by the Board as the accepted standard of care in all Board enforcement policies and disciplinary case evaluations.

5. The Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association (adopted Dec. 1992) provides, in pertinent part, as follows:

A. Section 1.06 Psychologists rely on scientifically and professionally derived knowledge when making scientific or professional judgments . . . .

B. Section 1.14 Psychologists take reasonable steps to avoid harming their patients or clients . . . and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

C. Section 1.15 Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal . . . or political factors that might lead to misuse of their influence.

D. Section 1.16(a) Psychologists do not participate in activities in which it appears likely that their skills and data will be misused by others, unless corrective

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1. All statutory references are to the Business and Professions Code unless otherwise indicated.

1 mechanisms are available; and, (b) If psychologists learn of misuse or misrepresentation of  
2 their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.

3 E. Section 7.04(a) In forensic testimony and reports, psychologists  
4 testify truthfully, honestly, and candidly and, consistent with applicable legal procedures,  
5 describe fairly the bases for their testimony and conclusions; and, (b) Whenever necessary to  
6 avoid misleading, psychologists acknowledge the limits of their data or conclusions.

7 6. Section 125.3 provides, in pertinent part, that in any order issued in  
8 resolution of a disciplinary proceeding before any board within the California Department of  
9 Consumer Affairs, the board may request the administrative law judge to direct a licentiate  
10 found to have committed a violation or violations of the licensing act to pay a sum not to  
11 exceed the reasonable costs of the investigation and enforcement of the case.

12 7. Section 2964.6 provides that "[a]n administrative disciplinary decision  
13 that imposes terms of probation may include, among other things, a requirement that the  
14 licensee who is being placed on probation pay the monetary costs associated with monitoring  
15 the probation."

#### 16 FACTS

17 8. At all times relevant to the allegations contained herein, respondent  
18 practiced as a clinical psychologist in private practice in or about Santa Rosa, California.

19 9. In or about July of 1999, respondent undertook to care for and treat  
20 M.L.<sup>2</sup>, a female adult, and her seven (7) year old daughter, H.L. M.L. was at the time  
21 involved in a custody dispute with her ex-husband, S.L., over their daughter.

22 10. Upon the recommendation of the court-appointed mediator, M.L. and  
23 S.L. were referred to and attended joint counseling with a licensed clinical social worker,  
24 R.H., in Santa Rosa. After approximately one year of counseling, R.H. prepared a  
25 recommendation to the court mediator, P.S., that S.L.'s 35% time with H.L. should be  
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27 2. Initials are used to protect individual privacy. Respondent will be provided with the full  
28 names of the persons involved pursuant to any request for discovery.

1 increased to 40%. M.L. disagreed with the recommendation and along with H.L. began  
2 therapy with respondent. An interview was scheduled with P.S. for on or about August 17,  
3 1999, to resolve issues about custody and visitation.

4 11. In or about early August of 1999, M.L.'s attorney asked respondent to  
5 write a letter which she stated would be used in a custody hearing. Respondent was asked to  
6 include her observations, opinions, thoughts on the custody situation, and any safety concerns  
7 she might have.

8 12. On or about August 12, 1999, respondent wrote a letter "[t]o whom it  
9 may concern" in regards to her "client," H.L., which was executed as true and correct under  
10 penalty of perjury, and which stated, *inter alia*, that:

11 A. H.L. may be placed at risk emotionally, physically and mentally  
12 if attention is not paid to the possible danger she is in when she visits her father, who may not  
13 be able at this time to parent her in an adequate way.

14 B. S.L. places H.L. in situations that are problematic for her in that  
15 S.L., who is a peace officer, has at his residence loaded firearms which are accessible to a  
16 child, such as H.L.; and that S.L. speeds to police business when H.L. is in the car with him.

17 C. H.L. does not appear to have adequate care and supervision when  
18 in S.L.'s care and is often returned (presumably to her mother) dirty, unbathed and ill, leaving  
19 one to wonder if H.L.'s medical needs are addressed.

20 D. S.L. does not address H.L.'s social needs by not taking her to  
21 events that he has agreed to and for which H.L. has been enrolled.

22 E. It appears that S.L. has a tendency to verbally abuse M.L. in  
23 front of H.L., which is damaging to H.L. This creates undue emotional distress for H.L.

24 F. Respondent opined that supervised visits with father would be  
25 more appropriate as there did not seem to be a history of proper parenting, and that father  
26 should be in parenting classes and in psychotherapy before he has the privilege of overnight  
27 visits and lengthy periods of time with his daughter.

28 13. At no point in this letter did respondent acknowledge or point out that

1 she had never met with, spoken to, nor formally evaluated S.L., or that her observations and  
2 opinions were based solely upon input from M.L. and any input from the child herself.

3 14. M.L. presented respondent's letter to the court-appointed mediator,  
4 P.S., at the meeting of August 17, 1999. After P.S. ascertained that respondent had never  
5 spoken to S.L., she disregarded the contents of the letter and she advised the parties that she  
6 would endorse the recommendations of R.H.

7 15. S.L. called respondent's office the next day and left a message telling her  
8 that he took exception to her using her Ph.D. to slander him for the purpose of getting his ex-  
9 wife what she wanted in court. Respondent returned the call later that morning and apologized  
10 for having offended S.L. and she offered to go over anything in the letter S.L. felt was untrue.  
11 When respondent heard that the mediator had disregarded her letter, she appeared relieved that  
12 no harm was caused.

13 16. On or about August 18, 1999, S.L. wrote a letter to respondent  
14 demanding that she cease all therapy with H.L. On or about September 2, 1999, respondent  
15 wrote M.L. and S.L. confirming their agreement that in the best interest of H.L. she would  
16 discontinue treating H.L. Respondent provided the names of three therapists for consideration  
17 for continued therapy for H.L. Respondent further wrote as follows:

18 ". . . I would like to add that the letter of August 12, 1999 should not be  
19 relied upon or filed in any court proceeding, as it was never intended to be used in any  
20 custody decisions. A custody recommendation should be provided by an evaluator who  
21 is both objective and independent, who meets with all parties concerned."

22 17. On or about September 22, 1999, respondent wrote another letter to the  
23 parents stating, in part, as follows:

24 ". . . I want to formally withdraw any statements or opinions presented  
25 in the August 12, 1999 letter in regards to Mr. [L.]. I did not interview Mr. [L.] and  
26 the information in the letter could be inaccurate. I would again wish to say that the  
27 letter should not be used in any custody proceeding. Any custody recommendations  
28 should come from a custody evaluation done by someone who meets with all the parties

concerned, is independent, objective and not a treating therapist for anyone involved."

**FIRST CAUSE FOR DISCIPLINE**

18. The allegations of paragraphs 8 through 17, above, are incorporated herein by reference as if fully set forth.

19. Respondent's conduct, as alleged above, constitutes gross negligence in the practice of her profession in that respondent wrote a letter for use in a child custody proceeding setting forth negative "facts" and rendering detrimental opinions about father without ever having had any contact with father, and therefore cause for discipline exists under Business and Professions Code section 2960 (j).

**SECOND CAUSE FOR DISCIPLINE**

20. The allegations of paragraphs 8 through 17, above, are incorporated herein by reference as if fully set forth.

21. Respondent's conduct, as alleged above, constitutes a violation of the APA Ethical Principles and Code of Conduct sections 1.06, 1.14, 1.15, 1.16, and 7.04, and therefore cause for discipline exists under Business and Professions Code section 2960(i) through section 2936.

**PRAYER**

WHEREFORE, complainant requests that a hearing be held on the matters alleged above, and that following the hearing, the board issue a decision:

1. Revoking or suspending Psychologist's License No. PSY 12203, heretofore issued to respondent Marion-Isabel Zipperle, Ph.D.;

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1                   2.       Ordering respondent to pay the board the actual and reasonable costs of  
2 the investigation and enforcement of this case and, if placed on probation, the costs of  
3 probation monitoring; and

4                   3.       Taking such other and further action as the Board deems necessary and  
5 proper.

6                   Dated: August 9, 2001

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8 THOMAS S. O'CONNOR  
9 Executive Officer  
10 Board of Psychology  
11 Department of Consumer Affairs  
12 State of California

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Complainant